

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JERRY L. BRANSON,

Plaintiff,

Y.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

CASE NO. 11-cv-05933 RJB-JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creaturea pursuant to 28

¹⁰ U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews,

Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on

19 defendant's stipulated motion to remand the matter to the Commissioner for further

20 || consideration. (ECF No. 17.)

21 After reviewing defendant's

After reviewing defendant's stipulated motion and the relevant record, the undersigned

²² recommends that the Commissioner's decision in regard to plaintiff's applications for disability

23 insurance benefits and supplemental security income payments under Titles II and XVI of the

1 Social Security Act be reversed and remanded pursuant to sentence four of 42 U.S.C. §405(g) to
2 the Commissioner of Social Security for further administrative proceedings before an
3 Administrative Law Judge (“ALJ”), a *de novo* hearing, and a new decision. On remand, the ALJ
4 should evaluate the claimant’s self-employment earnings using the standards described in 20
5 CFR 404.1575 and Social Security Ruling 83-34. If necessary, the ALJ should complete the
6 sequential evaluation process.

7 This Court further recommends that the ALJ take any other actions necessary to develop
8 the record. In addition, plaintiff should be allowed to submit additional evidence and arguments
9 to the ALJ on remand.

10 The parties agree that plaintiff will be entitled to an award of reasonable attorney’s fees
11 and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), following proper
12 presentation of a request for such an award to this Court.

13 Given the facts and the parties’ stipulation, the Court recommends that the District Judge
14 immediately approve this Report and Recommendation and **REVERSE** the Commissioner’s
15 decision pursuant to sentence four of 42 U.S.C. §405(g) with a **REMAND** of the case to the
16 Commissioner for further proceedings. See Melkonyan v. Sullivan, 501 U.S. 89 (1991).

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18 Dated this 25th day of June, 2012.

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J. Richard Creatura
United States Magistrate Judge